THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.7941 of 2000

Dated : 19.09.2007

Between:

K.Madan Mohan Reddy S/o K.Pulla Reddy

..... PETITIONER

And:

The Government of A.P., rep., by its Secretary,
General Administration Department, A.P. Secretariat,
Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.7941 of 2000

ORDER:

Petitioner is the absolute owner of the house bearing Door No.3-29 situated at Shivannagudem village of Marriguda Mandal in Nalgonda District and it was in the occupation of Union Bank of India. While so, on the intervening night of 3rd/4th June 1994, naxalites blasted the said house with dynamites. In that connection, Marriguda police registered a case in Crime No.21 of 1994. As the petitioner alleged to have sustained heavy loss due to the said blasting, he approached the respondent-authorities claiming compensation, but in vain. Hence, this writ petition seeking a direction to the respondents to pay compensation of Rs.4,50,000/- to the petitioner, together with interest at 12 per cent per

annum, as per G.O.Ms.No.70 General Administration (SC.A) Department, dated 26.02.1996.

Respondents 3 and 4 have filed a counter-affidavits admitting that the extremists have blasted the Union Bank Building at Shivannagudem village of Marrigudem Mandal on 04.06.1994 and the said building belongs to the petitioner.

Therefore, there is no dispute about the attack and blast of the building belonging to the petitioner. Of course it is contended by the petitioner that he is entitled to compensation of Rs.4,50,000/- with interest at the rate of 12 per cent. No doubt, the Government of Andhra Pradesh issued G.O.Ms.No.70, dated 26.02.1996, according to which, the exgratia relief to the victims of extremist activities granted under earlier Government Orders was doubled, and similarly, the relief for payment of damage to the properties was also to be paid subject to a maximum of Rs.2,00,000/-.

However, it is the contention of the learned Government Pleader for Home that as the house of the petitioner was blasted on 04.06.1994, petitioner is not entitled to the benefits provided for under G.O.Ms.No.70, which came into force with effect from 26.02.1996. May be it is true that the accident took place prior to issuance of the said Government Order, but it cannot be said that the petitioner is not entitled for the relief sought by him. Admittedly, petitioner is the absolute owner of the house in question and the same was blasted by the naxalites and hence, this Court is of the view that the relief provided for under the said Government Order can also be extended to the petitioner.

Accordingly, the writ petition is allowed and the respondents are hereby directed to pay a total compensation of Rs.2,00,000/- (Rupees two lakhs only) to the petitioner. There shall be no order as to costs.

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19.09.2007

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